

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
INVESTIGATION SUMMARY and PROBABLE CAUSE ANALYSIS
and DETERMINATION REPORT**

<i>CERTIFICATE HOLDER/LICENSEE INFORMATION</i>	Certificate Holder:	Mary Jane Condit
	Certification Number:	20517
	Business Name:	Condit and Associates, LLC
	Certification Number:	20597
	Type of Certificate/License:	PRN & BUE
<i>COMPLAINANT</i>	Name:	Mindy Marie Kerkes
<i>INVESTIGATION INFORMATION</i>	Complaint Number:	14-0015 & 14-0016
	Investigator:	Hal White
Complaint Received:		12/9/2014
Complaint Forwarded to the Certificate Holder:		12/23/2014
Certificate Holder/Licensee Received Complaint:		12/29/2014
Response From Certificate Holder:		1/17/2014
Period of Active Certification/Licensure:		8/26/2004 & 5/22/2008
Status of Certification/License:		Active
Availability of Certificate Holder/Licensee:		Available
Availability of Complainant:		Available
Report Date:		8/3/2015

ALLEGATIONS:

- Allegation 1. James J. Kerkes (Mr. Kerkes), who was under extreme medication and suffered from dementia. Condit & Associates, LLC allowed Mr. Kerkes to change his Will 10 days before he passed away.
- Allegation 2. Stacks of Money, 3 \$10,000 certificates of deposit and three letters were missing from the safe.
- Allegation 3. No beneficiaries were allowed in room when safe was opened. How could she take over and take items in father's safe. My dad had beneficiaries. He wanted us to do this.

ADDITIONAL ALLEGATIONS:

Allegation 4. Ms. Condit did not at a minimum, record pictorially and establish and maintain accurate records of all real and personal property.

List of sources for obtaining information: (Investigative, records, outside resources, etc.):

- Written complaint and documentation submitted by complainant Mindy Marie Kerkes (Complainant).
- Written response and documentation submitted by certificate holder Mary Jane Condit, Condit & Associates LLC (Ms. Condit).
- Review of applicable Certification and Licensing Division (“Division”) records.
- Review of applicable sections of Arizona Revised Statutes (“ARS”), Arizona Codes of Judicial Administration (“ACJA”) § 7-201 and § 7-208, and Arizona Supreme Court Rules.
- Email and recorded interview of Complainant.
- Superior Court of Arizona in Maricopa County Form PBIP18f-090612 “ORDER TO PERSONAL REPRESENTATIVE AND ACKNOWLEDGMENT AND INFORMATION TO HEIRS/DEVISEES, which explains the Duties of the Personal Representative (PR).
- 9/13/2010 statement from locksmith Tim Forster, Owner of Absolute Lock and Safe (Mr. Forster).
- Email, mail and recorded interview of Ms. Condit and her Attorney Atty. Collins of Atty. Collins Law Office, LLC (Atty. Collins).
- Open source information regarding stacks of bills and their value relative to height.
- Email from Mr. Kerkes’ ex-wife, Lynn Elayne Kerkes-Babcock (Mrs. Kerkes-Babcock).
- Surprise Police Department Record #10082798 Complaint.
- Email Assurant Corp., Check on Union Security Life Insurance Policy #2290588.
- Email between Heather Winters Bull, Vice-President of Fiduciary Services, Condit & Associates (Ms. Bull) and Complainant with Ms. Condit cc’d.
- 1/31/2011 Letter from Atty. Collins to Carol Soderquist, Esq. and Brandi Sammon requesting a complete accounting of Mr. Kerkes personal property as of 7/19/2010.
- Letters from Mr. Kerkes’ granddaughter, Kasey Caughey (Ms. Caughey).
- March 30 Email from Atty. Collins explaining why the minimum requirement of a pictorial inventory was not done.

PERSONS INTERVIEWED:

Complainant
Ms. Condit
Mr. Forster

Catherine Egan (Att. Egan), the attorney who changed James J. Kerkes Will and Family Trust
Atty. Collins, Ms. Condit's attorney.
Mr. Terry O'Neil, Owner of T&T Estate Services, who was called, by Ms. Condit, to secure guns found in safe.

SUMMARY OF INVESTIGATION:

Mr. Kerkes called Atty. Egan and requested she change two documents, Mr. Kerkes' Will and his Family Trust. The Will change made Ms. Condit his PR, and Trustee on the Family Trust. On July 19, 2010, ten days after the new documents were signed, notarized and witnessed Mr. Kerkes passed away.

Mr. Kerkes apparently did not tell the beneficiaries that he had changed his Will, although Mrs. Kerkes-Babcock and Complainant helped Mr. Kerkes find his attorney's phone number so he could do so.

Much of the dispute revolves around the contents of a safe and representations Mr. Kerkes allegedly made regarding those contents prior to his death. Complainant said that Mr. Kerkes told his family there were letters for his beneficiaries and \$10,000 Certificates of Deposit with the letters. Mr. Kerkes also told his beneficiaries there was money to pay off the vehicles loan balances in the safe. Mr. Kerkes told Ms. Condit there was \$60,000 in the safe. Ms. Condit reports there were no letters, CDs, money set aside to pay off vehicles or \$60,000. The safe contents were marshalled, three days after Mr. Kerkes passed.

On July 21, 2010, Ms. Condit and another staff member, Ms. April Little, traveled to Mr. Kerkes' residence to marshal assets, which included taking pictures of Mr. Kerkes residence, and inventorying the assets which included the decedent's safe. The family members wanted to be present, when the safe was opened, but Ms. Condit refused. Ms. Caughey was the only family member present when the safe was opened.

Ms. Condit, an employee, Ms. April Little, Mr. Kerkes granddaughter, Ms. Caughey and the locksmith, Mr. Forster, owner of Absolute Lock and Safe were present. Mr. Forster opened the safe, and a chamber inside the safe at Ms. Condit's request. A handwritten inventory was provided, along with pictures of the safe and its contents.

Ms. Condit did not provide pictures of the top part of the safe when it was opened, or pictures of the contents of the envelopes strapped to the door of the safe. As will be further described below, the investigation identified four stories concerning the amount and location of cash that was in the safe. These stories come from three different sources. In addition the investigation determined that the handwritten inventory was not inclusive of all property. For example, eight rings were photographed but only six appear on the handwritten inventory.

Ms. Condit reports that this was a contentious and dangerous situation and that family members, made Ms. Condit's PR duties much harder than customary. For example, Ms. Brandi Sammon did not turn in a vehicle, or vacate the home, when first asked. The vehicle had to be repossessed, and the home foreclosed. Restraining orders were issued and other obstacles needed to be overcome all of which made the PR duties more difficult.

Ms. Condit reports the estate owed more than it was worth, and Ms. Condit paid bills in the prescribed order of liquidity. Beneficiaries were disappointed because they did not get their fathers belongings as were promised. The Will had a share equally among the beneficiaries provision. After liquidating the car, motorcycles, jewelry, watches and guns, Ms. Condit gave the never fully inventoried, never pictured household furniture, appliances, tools and other unknown items to the beneficiaries. A complete inventory and or a pictorial inventory of the household was never done, Ms. Condit reports because of difficulties between the PR and the beneficiaries.

SUMMARY OF FACTUAL FINDINGS OF INVESTIGATION:

Mr. Kerkes' wanted to change his Will and Family Trust because his daughter Ms. Brandi Sammon was not paying his bills as previously agreed, and was not visiting him in the hospital regularly, according to Mrs. Kerkes-Babcock, Mr. Kerkes' former wife. Mrs. Kerkes-Babcock and the Complainant, provided Mr. Kerkes with Atty. Egan's phone number, in the hospital. Apparently, Complainant thought Mr. Kerkes was going to change his Will to include both Ms. Condit and Ms. Brandi Sammon as Personal Representatives (PR). Mr. Kerkes changed the PR on his Will and the Trustee on his Family Trust, to Ms. Condit only. While, Ms. Condit had been serving as Mr. Kerkes' Health Care Power of Attorney and Durable Power of Attorney since 2008, the Division has uncovered no evidence that Ms. Condit influenced Mr. Kerkes decision to appoint her as PR and Trustee.

In an interview with Division, Atty. Egan said she represented Mr. Kerkes for a number of years and she made changes to the Will in 2004, 2006, 2008 and finally 2010. Atty. Egan explained that it was normal for clients to change the PR as time went on, for example, Mr. Kerkes' had Timmie, his daughter, then his wife, then Brandi Lynn Sammon.

The last change was in 2010 when Mr. Kerkes called Atty. Egan from the hospital. Atty. Egan said Mr. Kerkes was fed up with the bickering and strife at home, and did not want any family member as the PR on his Will. Mr. Kerkes picked Ms. Condit to be his PR on the Will. When asked, Atty. Egan said that it is typical for a client to assign a third party.

Prior to his death, Mr. Kerkes made certain representations about his property:

- (a) He told Atty. Egan that he had a safe, tried to give the combination to the safe to Atty. Egan's employee, who said she did not want it and told Atty. Egan that there was a file on his computer which had the combination to the safe in it. Mr. Kerkes

also told Atty. Egan there was a key to a filing cabinet under the computer table. Complainant said the safe key, to get into a locked compartment inside the safe, was on Mr. Kerkes' key chain. When asked if there was a password needed to get into the computer or if the "Big Tony's Safe" file required a password, Atty. Egan said she did not know. Atty. Egan said she did not have any mention or evidence of any certificates of deposits (CDs).

(b) He told Ms. Condit there was \$60,000 in the safe.

(c) He told Complainant and his family there were letters for his beneficiaries, \$10,000 Certificates of Deposit with the letters and Mr. Kerkes money to pay off the vehicles loan balances in the safe.

On July 19, 2010, Mr. Kerkes passed, ten days after he had signed the latest version of his Will and Family Trust.

Two day later, on July 21, 2010, Ms. Conduit and staff went to the Kerkes' family residence to marshal the assets. Ms. Condit and staff were met with unfriendly family members, a vicious dog, loaded guns and a generally intimidating environment. Ms. Condit has stated that she had planned on securing the estate, inventorying assets, mustering the assets, and pictorially capturing the property and the process. Instead, they managed to inventory part of Mr. Kerkes' bedroom which had the safe in it, and muster the contents of the safe, which they had appraised and sold. Ms. Condit never returned to the Kerkes' residence to complete the inventory.

Cash In Safe

Division asked for information regarding the safe opening, who was there and what evidence could be provided of the contents of the safe, as two of the three original allegations revolve around the opening. Ms. Condit and another staff member, Ms. April Little, were present. The family members wanted to be present, when the safe was opened, but Ms. Condit refused. Ms. Caughey was the only family member present when the safe was opened. In addition, Mr. Forster, owner of Absolute Lock and Safe was present. Mr. Forster opened the safe, and a chamber inside the safe at Ms. Condit's request. A handwritten inventory was provided, along with pictures of the safe and its contents.

The investigation uncovered four different accounts of how much money and where the money was located in the safe:

Ms. Condit Account: Ms. Conduit states that she found \$7,700 in \$100 bills tucked in a checkbook in the main compartment of the safe.

Mr. Forster's Account: Mr. Forster states that he saw in plain view a "banded" stack of bills one inch high or less in the top compartment of the safe.

Ms. Caughey's Account: Ms. Caughey made two conflicting statements. The first, she saw in plain view \$6,000 "banded" in the bottom compartment of the safe and second, \$21,000 "banded" in the top compartment of the safe.

The Division researched how much money is in a one inch tall stack of bills. A banded stack of bills is a stack of 100 bills. A stack of 100 bills is .43 inches tall. If they are a banded stack of \$10 bills, they would total \$1,000 (\$10 times 100 = \$1,000); \$20 bills, would total \$2,000 and so on. A one inch stack of bills is about 230 bills whatever denomination. A one inch stack of \$100 bills equals approximately \$23,000 ($\$10,000/.43 = \$23,256$).

Certificates of Deposit

Other than the statements of family members the Division has uncovered no evidence that certificates of deposit existed. Atty. Egan said Mr. Kerkes never mentioned and she had no evidence of any certificates of deposits (CDs). Atty. Egan further stated that CDs would leave a paper trail with IRS Form 1099s that would pass outside the trust. The CDs would be in the beneficiaries' names and would have to be cashed by showing identification to the bank. The bank would have to mail 1099s to the owners.

Ms. Condit says she never saw any certificates of deposit. Atty. Collins mentioned that they could do a search for unclaimed money www.azunclaimed.gov. Division searched for unclaimed money and none was found.

When Complainant was asked if she or any of her sisters had received an IRS 1099 Form, she said, "No." When asked if Complainant ever saw a CD or letter in her father's safe, she said, "No." When asked the last time she had looked at the contents of the safe, Complainant said, "A couple of months after her daughter was born, probably in October 2008."

Inventory

The investigation has determined that a complete inventory including at a minimum photographing the property was not completed:

- (a) Ms. Condit did not take a picture of the contents of the top key locked compartment of the safe just after it was opened.
- (b) There are no pictures of the contents of the envelopes strapped to the door or the top part of the safe.
- (c) From the pictures provided by Ms. Condit in her response, the Division noticed that there were several differences between the pictures and the inventory. For example, there are two rings on top of a dresser with a watch, bolo tie and some kind of a wallet or hand purse. There are another six rings pictured in the safe. This makes a total of eight different rings in the two pictures. The only inventory provided lists five rings total. In requested back-up documentation, eight rings were sold.

agreed, made and executed the document at the hospital, per Mr. Kerkes' wishes. Mr. Kerkes condition is unknown when he made the request.

Allegation 2: Stacks of Money, 3 \$10,000 certificates of deposit and three letters were missing from the safe.

Finding: The finding for Allegation 2 is unsubstantiated. Ms. Condit brought someone with her as a witness, which is common practice. The safe was opened with two witnesses, Mary Jane Condit and April Little. Also present when the safe was opened was, locksmith Tim Forster, and Mr. Kerkes' Granddaughter, Ms. Caughey. Mr. Terry O'Neil was also in the room after the safe was opened to secure and collect the firearms.

We have four conflicting stories, from three eye witnesses who were there when the safe was opened. There are no pictures of the top part of the safe when opened. Also not photographed, is the \$7,700 stack of cash Ms. Condit found in the checkbook.

Ms. Condit said she did not find any \$10,000 certificates of deposit in letters for each of the three children, as Mr. Kerkes told Complainant existed. Complainant admitted that she never saw the letters herself, and could produce nobody who had seen the letters and CDs. The letters were also not present in the safe according to Ms. Condit and Ms. April Little's handwritten inventory. There were envelopes bungeed to the door of the safe. Ms. Condit did not take pictures of the contents.

Allegation 3. No beneficiaries were allowed in room when safe was opened. How could she take over and take items in father's safe. My dad had beneficiaries. He wanted us to do this.

Finding: The allegation is unsubstantiated. There is no statutory or code provision requiring Ms. Condit to allow beneficiaries in the room. Ms. Condit was the PR of Mr. Kerkes' Will and the Trustee of the Kerkes Trust. The PR's duties, as defined in ARS chapter 3, Title 14 are to:

“Gather, control and manage estate assets. As the PR you have the duty to gather and control all assets that belonged to the decedent at the time of his or her death. After the valid debts and expenses are paid, you have the duty to distribute any remaining assets according to the decedents Will.”

Further, Part 8 of Title 14 Protect Assets, “You must immediately find, identify and take possession of all the estate assets and make proper arrangements to protect them.”

Ms. Condit, had the duty to gather and control the assets as she deemed necessary.


Allegation 4. Ms. Condit did not at a minimum, record pictorially and establish and maintain accurate records of all real and personal property.

Finding: The allegation is substantiated. ACJA §7-202(J)(5)(b) says,

“On appointment, the fiduciary shall take reasonable steps to marshal and secure the property and income of the decedent’s estate as soon as possible. The fiduciary shall provide stewardship of the property for safekeeping and, at a minimum, record pictorially and establish and maintain accurate records of all real and personal property.”

Ms. Condit failed to marshal and secure the property and assets. Ms. Condit, at a minimum, had the duty to pictorially record the property. If this was not possible, she should have told the court of her predicament and seek guidance from the court on how to proceed.

SUBMITTED BY:

 8/3/15
Hal White, Unit Manager Date
Certification and Licensing Division

REVIEWED BY:

 8/3/15
Mark Wilson, Division Manager Date
Certification and Licensing Division

DECISION OF THE PROBABLE CAUSE EVALUATOR:

Having conducted an independent review of the facts and evidence gathered during the course of the investigation of complaint numbers 14-0015 and 14-0016, the Probable Cause Evaluator:

☐ requests division staff to investigate further.

☒ determines probable cause does not exist the certificate holder has committed the alleged acts of misconduct as to Allegation(s):

1, 2 & 3.

☒ determines probable cause exists the certificate holder committed the alleged acts of misconduct as to Allegation(s):

4.

Mike Baumstark 8/5/15
Mike Baumstark, Date
Probable Cause Evaluator

**ARIZONA SUPREME COURT
ADMINISTRATIVE OFFICE OF THE COURTS
ORDER OF THE BOARD**

<i>CERTIFICATE HOLDER/LICENSEE INFORMATION</i>	Certificate Holder:	Mary Jane Condit
	Certification Number:	20517
	Business Name:	Condit and Associates, LLC
	Certificate Number:	20597

Recommendation:

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Mary Jane Condit and Condit and Associates has not committed the alleged act(s) of misconduct as detailed in Allegations 1, 2 and 3 of the Investigation Summary and Allegation Analysis Report in complaint numbers 14-0015 and 14-0016.

It is recommended the Board accept the finding of the Probable Cause Evaluator and enter a finding Mary Jane Condit and Condit and Associates has committed the alleged act(s) of misconduct as detailed in Allegation 4 of the Investigation Summary and Allegation Analysis Report in complaint numbers 14-0015 and 14-0016.

It is recommended the Board enter a finding grounds for informal disciplinary action exists pursuant to Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a) for act(s) of misconduct involving ACJA § 7-202(J)(5)(b) by failing to marshal and pictorially record the property of the estate.

It is further recommended the Board issue a Letter of Concern.

SUBMITTED BY:

 9/21/15

Director Date

Certification and Licensing Division

FINAL DECISION AND ORDER:

The Board having reviewed the above Investigation Summary, Allegation Analysis Report, finding of the Probable Cause Evaluator, and Recommendation regarding complaint numbers 14-0015 and 14-0016 and Mary Jane Condit and Condit and Associates, certificate numbers 20517 and 20597, makes a finding of facts and this decision, based on the facts, evidence, and analysis as presented and enters the following order:


- ☐ requests division staff to investigate further.
- ☐ refers the complaint to another entity with jurisdiction.

Referral to: _____

- ☐ dismisses the complaint, and:
- ☐ requests division staff prepare a notice of dismissal pursuant to ACJA § 7-201(H)(5)(c)(1).
 - ☐ requests division staff prepare a notice of dismissal and an Advisory Letter pursuant to ACJA § 7-201(H)(5)(c)(2).
- ☐ determines grounds for discipline exist demonstrating the certificate holder committed the alleged act(s) of misconduct and:
- ☐ enter a finding the alleged act(s) of misconduct or violation(s) be resolved through informal discipline, pursuant to ACJA § 7-201(H)(7) and issue a Letter of Concern.
 - ☐ enter a finding the alleged act(s) of misconduct or violation(s) be resolved through formal disciplinary proceeding, pursuant to ACJA § 7-201(H)(9).
- ☐ requests the certificate holder appear before the Board to participate in a Formal Interview, pursuant to ACJA § 7-201(H)(8).
- ☐ orders the filing of Notice of Formal Charges, pursuant to ACJA § 7-201(H)(10).
- ☐ enters a finding the public health, safety or welfare is at risk, requires emergency action, and orders the immediate emergency suspension of the certificate and sets an expedited hearing for:

Date, Time, and Location: _____

- ☒ adopts the recommendations of the Division Director.
- ☐ does not adopt the recommendations of the Division Director and orders:


Deborah Primock, Chair
Fiduciary Board


Date



Supreme Court

STATE OF ARIZONA
ADMINISTRATIVE OFFICE OF THE COURTS

September 10, 2015

Scott Bales
Chief Justice

David K. Byers
Administrative Director
of the Courts

Ms. Mary Jane Condit
Condit & Associates
13912 West Stardust Blvd, Suite 200
Sun City West, AZ 85375

RE: LETTER OF CONCERN - Complaint Numbers 14-0015 and 14-0016

Dear Ms. Condit:

On September 10, 2015, the Fiduciary Board ("Board"), pursuant to the Arizona Code of Judicial Administration ("ACJA") § 7-201(H)(6)(a), (H)(7), and (H)(24)(a)(6)(a):

1. Reviewed the attached Investigation Summary, Probable Cause Evaluation Report, and Recommendation;
2. Entered a finding grounds for discipline exist in this complaint;
3. Ordered resolution of the complaint through an informal disciplinary sanction; and,
4. Entered the enclosed Order to issue this Letter of Concern as to Allegation 4 only.

ACJA § 7-201(H)(24)(b)(2) provides:

A letter of concern is a written informal discipline sanction and is not appealable. A certificate holder may file a response to the letter of concern no later than fifteen days after the date of the letter of concern. The certificate holder's response is public and division staff shall file the response in the complaint file.

If you choose to submit a written response, please address it to the Board. Pursuant to ACJA § 7-201(H)(1)(g) and (H)(24)(b)(2), this Letter of Concern and your response are not confidential.

Sincerely,

A handwritten signature in dark ink, appearing to read "Deborah Primock", is written over a circular embossed seal of the Fiduciary Board.

Deborah Primock, Chair
Fiduciary Board

Enclosures

Condit and Associates, LLC

Arizona Licensed Fiduciaries

Heritage Palms Professional Bldg., 13912 W. Stardust Blvd. #200, Sun City West, AZ 85375

Phone: 623-546-6082 Fax: 877-784-6938 E: mjcondit@conditandassoc.com

September 28, 2015

Deborah Primock, Chair
Fiduciary Board
Supreme Court
State of Arizona Administrative Office of Courts
1501 W. Washington Street
Phoenix, AZ 85007-3231

RECEIVED SEP 30 2015

RE: Complaint Numbers 14-0015 and 14-0016

Madame Chair Primock and Fiduciary Board Members:

This letter is in response to the Letter of Concern received regarding the above referenced complaints and additional information regarding the specific circumstances which ultimately resulted in the single finding and Letter of Concern post marked September 18, 2015. Kindly ensure that these comments are included in all public & internal documentation relating to the complaint and finding of the Board.

Respectfully, it is important to understand that the estate from which the complaint arises was insolvent (which was a factor in decision making) and administration was often challenged by interested parties who behaved in a contentious and confrontational manner.

Condit and Associate's action, or as the Board has assessed as "inaction", which the Letter of Concern addresses is in regard to the inventory, and specifically the inventory of the personal and real property (residential home). Note that all other assets were inventoried appropriately and timely including the real property. The finding only addresses the partial pictorial inventory of the personal property inventory in the decedent's residence.

The property was inventoried in the home but the Inventory was only completed partially due to a hostile situation which was encountered by Condit & Associates staff while attempting to conduct the Inventory. Upon entering the occupied real property/residence under dual control to conduct the pictorial inventory my staff and I were confronted by the adult family members currently living in the home who were confrontational and adverse to the completion of the Inventory. In addition, staff attempting to complete the inventory were also subjected to a large, growling, and unfriendly dog. To state that the situation and people in the home that we were attempting to inventory were unwelcoming would be a polite and reserved understatement.

Further complicating matters and increasing feelings of danger in the home, shortly after beginning the inventory machine-like guns/rifles were found in the residence. The adults occupying the residence did not permit staff to enter any other rooms of the residence other than the decedent's bedroom and the garage. However, the entry, kitchen, and living room areas were visible from within the areas that staff were permitted. It was apparent from a visual overview that there were only a few items of household goods and furnishings, only items of standard household value.

Due to concern for staff safety; based on the findings in the residence (guns), the reception of the occupants and the ferocious, large dog, Condit staff quickly secured, took pictures of and otherwise documented as much of the personal property in the residence as possible and decided to plan to seek a police escort to return and complete the remainder of the inventory.

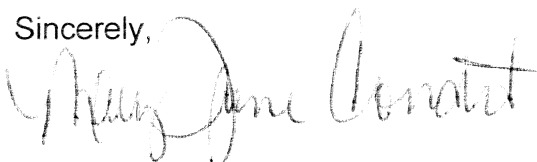
Staff immediately followed up with the Maricopa County Sheriff's office to request assistance to complete the inventory. The Maricopa County Sheriff's office advised that the area was not under their jurisdiction and referred us to the Surprise Police. The Surprise Police were not willing to escort Condit staff back into the occupied residence as requested.

Based upon the estate insolvency to possibly not be able to cover the cost of petitioning the court for instruction, the ongoing hostile reactions from persons living in the residence and little personal property located in the home, and after conferring with counsel and other licensed fiduciaries, we determined an alternate plan of action to complete the inventory and distribute the small amount of personal property in the home. Condit staff then contacted beneficiaries (some of whom lived in the residence in question), notified them of the situation, and asked them to discuss among themselves the small amount of personal property for disposition. The Beneficiaries were able to reach an agreement to the distribution of the personal property that all beneficiaries agreed to. By resolving the issue in this manner, Condit was able to continue to administer the estate, reduce potential legal, law enforcement and fiduciary fees and reduce staff interaction in demonstrably hostile and potentially dangerous situations.

Condit and Associates, LLC followed regulatory requirements and followed the Code of Conduct to as much of an extent as possible based on the contentious and hostile circumstances of this estate and took action in a professional manner exercising best practice where possible. Furthermore, the actions taken or the lack action was additionally due to the insolvency of this estate.

For these reasons, Condit and Associates respectfully submits that judgement of any misconduct should be waived. Thank you for consideration of the circumstances in this unique and contentious estate matter.

Sincerely,

A handwritten signature in dark ink, appearing to read "Mary Jane Condit". The signature is fluid and cursive, with the first name "Mary" and last name "Condit" being the most legible parts.

Mary Jane Condit, CTFA, MBA, NCG, LF#20517
Principal for Condit and Associates, LLC #20597